

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| ROBERT TRESSLER,         | ) |                                    |
|                          | ) |                                    |
| Plaintiff,               | ) |                                    |
|                          | ) |                                    |
| v.                       | ) | Civil Action No. 05-508            |
|                          | ) | Judge Joy Flowers Conti            |
| PYRAMID HEALTHCARE, Inc. | ) | Magistrate Judge Lisa Pupo Lenihan |
|                          | ) |                                    |
| Defendant.               | ) |                                    |

MEMORANDUM ORDER

Plaintiff's Complaint was received by the Clerk of Court and was subsequently referred to United States Magistrate Judge Lisa Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates

The Magistrate Judge's Report and Recommendation, filed on February 21, 2006, recommended that Defendant's Motion to Dismiss or in the Alternative for Summary Judgment be granted. Service was made on all counsel of record. No objections to the Report and Recommendation were filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

**AND NOW**, this 21st day of March, 2006:

**IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss or in the Alternative for Summary Judgment is **GRANTED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation of Magistrate Judge Lenihan is adopted as the Opinion of the Court.

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Joy Flowers Conti  
United States District Judge

cc: All Counsel of Record